

COMMON COUNCIL

Official Proceedings of the 2011-2012 Common Council of the City of Sheboygan.

TWENTY-SECOND REGULAR MEETING

The Council met: Monday, February 20, 2012.

Mayor Bob Ryan in the Chair:

On call of the roll, the following Alderpersons were present:

Boeldt, Bohren, Carlson, Hammen, Heidemann, Kath, Kittelson, Matichuk, Roeseler, Van Akkeren, VanderWeele, Versey
□ 12.

Absent and Excused: Dekker, Hammond, Sampson □ 3.

On motion by Alderperson Bohren and second by Alderperson Versey, the reading of the minutes of the Twenty-First Regular Meeting held February 6, 2012, was approved as entered on the record, all Alderpersons present voting "Aye".

PUBLIC FORUMDolcye Johnson, 1306 N. 3rd St., spoke. Alderperson Bohren and Alderperson Versey granted one extra minute to speak.**MAYOR'S ANNOUNCEMENTS****REPORTS OF OFFICERS*****R. O. No. 363 - 11 - 12. By BOARD OF CONTRACTORS EXAMINERS. February 20, 2012.**

Attached hereto we are submitting applications for Building Contractor Licenses already GRANTED:

2299	David Bronson 105 River Oaks Dr Sheboygan Falls, WI 53085	Carpenter Contractor
2101	Charles Beck N5560 Spur Lane Plymouth, WI 53073	Carpenter Contractor
2287	Mike Schmitz N8713 Little Elkhart Lk Rd Elkhart Lake, WI 53020	Carpenter Contractor
938	David Petrauski 1706 Patricia Circle Sheboygan, WI 53083	Carpenter Contractor
0819	James Klunck 2704 S 18 th Street Sheboygan, WI 53081	Carpenter Contractor
1926	Kris Johnson 3627 N 34 th Street Sheboygan, WI 53083	General Contractor

***R. O. No. 364 - 11 - 12. By BOARD OF ELECTRICAL EXAMINERS. February 20, 2012.**

Pursuant to State of Wisconsin Comm. 5 and City of Sheboygan Municipal Code, Section 26-355, the following licenses have been issued:

<u>APPLICATION #</u>	<u>NAME AND ADDRESS</u>	<u>TYPE OF LICENSE</u>
1438	David Maass N3417 State Rd 76 Hortonville, WI 54944	Electrical Contractor
1440	Shawn Merwin W6860 Blue Heron Blvd Apt 1 Fond du Lac, WI 54937	Electrical Contractor
1441	Brian Bauhman 3608 S 11 th St Sheboygan, WI 53081	Electrical Contractor
1442	Michael Kelliher 1724 Rockridge Way Waukesha, WI 53188	Electrical Contractor

***R. O. No. 365 - 11 - 12. By CITY CLERK. February 20, 2011.**

Submitting various license applications.

TEMPORARY CLASS "B" LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
2261	Brennans Womens Softball	1101 Michigan Ave. – one-day event to be held 4/14/2012 to include all of the building.
1497	D'Werdenfelser Schuhplattler	2133 N. 22 nd St. – one-day event to be held 4/21/12 to include St. Dominics Gymnasium.
2575	Kettle Moraine Corvette	South Pier Dr (Cul De Sac) – one-day event to be held 8/26/12 to include part of the premise.
1329	Sheboygan Blue Line	1202 Wildwood Ave. – one-day event to be held 3/16/12 to include entire building and attached tent.

TEMPORARY BEVERAGE OPERATOR'S LICENSE

<u>No.</u>	<u>Name</u>
8537	Waldbauer, Richard T.

***R. O. No. 366 – 11 – 12. By FIRE CHIEF. February 20, 2012.**

Pursuant to Section 50-494 of the Municipal Code, I herewith submit my quarterly report for the period commencing October 1, 2011, and ending December 31, 2011.

R. O. No. 367 - 11- 12. By BUILDING INSPECTION DEPARTMENT. February 20, 2012.We hereby submit the report of the Building Inspection Department for the month of January 2012.
Was referred to the Committee on Public Protection and Safety.**R. O. No. 368 - 11 - 12. By CITY CLERK. February 20, 2011.**Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.
Was referred to the Committee on Law and Licensing.**R. O. No. 369 - 11 - 12. By CITY CLERK. February 20, 2012.**Submitting a communication from Peggy Clutts stating that fact that she is upset about the garbage fees and being charged double because her home is listed as a two family property.
Was referred to the Committee on Public Protection and Safety.**R. O. No. 370 - 11 - 12. By CITY CLERK. February 20, 2012.**Submitting a communication from Michael Brown requesting a waiver from the Sex Offender Residency restrictions in order to live at 611A Bell Ave.
Was referred to the Committee on Public Protection and Safety.**R. O. No. 371 - 11 - 12. By CITY CLERK. February 20, 2012.**Submitting a communication from Darnell Johnston requesting a waiver of the Sex Offender Residency restrictions in order to live at 1112 N. 11th St.
Was referred to the Committee on Public Protection and Safety.**R. O. No. 372 - 11 - 12. By CITY CLERK. February 20, 2012.**Submitting a Summons and Complaint in the matter of Kohler Credit Union vs. Haris Mackic et al.
Was referred to the Special Committee on Risk Management.**RESOLUTION INTRODUCED****Res. No. 140 - 11 - 12. By Alderperson Kittelson. February 20, 2012.****A RESOLUTION** amending the city's bond schedule.
Was referred to the Committee on Public Protection and Safety.

Res. No. 141 - 11 - 12. By Alderperson VanderWeele. February 20, 2012.

A RESOLUTION authorizing the City Attorney to engage the services of special outside legal counsel to represent the Law & Licensing Committee and Common Council with regard to a quasi-judicial hearing regarding the suspension/revocation of Alcohol Beverage License No. 2704–El Gallo Giro (Efren Martinez, Agent), and authorizing payment for said services.

RESOLVED: That the Common Council hereby authorizes the City Attorney to engage the services of special outside legal counsel to represent the Law & Licensing Committee and Common Council with regard to a quasi-judicial hearing regarding the suspension/revocation of Alcohol Beverage License No. 2704-El Gallo Giro (Efren Martinez, Agent), and authorizing payment for said services.

BE IT FURTHER RESOLVED: That the Finance Director/Treasurer is hereby authorized and directed to draw on the City Attorney's Judgments & Settlement Expense Account No. 10119100-590400 in payment for said services.

A motion by Alderperson VanderWeele and second by Alderperson Hammen to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson VanderWeele and second by Alderperson Boeldt, the foregoing Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Hammen, Heidemann, Kath, Kittelson, Matichek, Roeseler, Van Akkeren, VanderWeele, Versey ☐ 12.

Nays: None.

Res. No. 142 - 11 - 12. By Alderperson VanderWeele. February 20, 2012.

A RESOLUTION authorizing the City Attorney to engage the services of special outside legal counsel to represent the Law & Licensing Committee and Common Council with regard to quasi-judicial hearings regarding the suspension/revocation of "Class B" Alcohol Beverage License No. 2275-M.T. Wine Glass (The Grotto)(Mary H. Jacobson, Agent), "Class B" Alcohol Beverage License No. 2740-Mannings Irish Pub I (Thomas A. Manning, Agent) and "Class B" Alcohol Beverage License No. 1411-Tommys Bar (Diana Jill Drews, Agent), and authorizing payment for said services.

RESOLVED: That the Common Council hereby authorizes the City Attorney to engage the services of special outside legal counsel to represent the Law & Licensing Committee and Common Council with regard to quasi-judicial hearings regarding the suspension/revocation of "Class B" Alcohol Beverage License No. 2275-M.T. Wine Glass (The Grotto)(Mary H. Jacobson, Agent), "Class B" Alcohol Beverage License No. 2740-Mannings Irish Pub I (Thomas A. Manning, Agent) and "Class B" Alcohol Beverage License No. 1411-Tommys Bar (Diana Jill Drews, Agent), and authorizing payment for said services.

BE IT FURTHER RESOLVED: That the Finance Director/Treasurer is hereby authorized and directed to draw on the City Attorney's Judgments & Settlement Expense Account No. 10119100-590400 in payment for said services.

A motion by Alderperson VanderWeele and second by Alderperson Hammen to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson VanderWeele and second by Alderperson Kath, the foregoing Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Hammen, Heidemann, Kath, Kittelson, Matichek, Roeseler, Van Akkeren, VanderWeele, Versey ☐ 12.

Nays: None.

Res. No. 143 - 11 - 12. By Alderpersons Roeseler, Versey, Dekker and Sampson. February 20, 2012.

A RESOLUTION lifting the hiring freeze in order to hire temporary help Schedule X people in the City Clerk's office up until the November election.

WHEREAS, the City of Sheboygan passed Resolution 122-11-12 that extended the hiring freeze to December 31, 2013;

WHEREAS, the hiring freeze allows for emergency exceptions upon approval of the Chief Administrative Officer and Council;

WHEREAS, the Chief Administrative Officer recently approved the Hiring Audit form to authorize hiring temporary help Schedule X people in the City Clerk's office up until the November election.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby authorizes, as an emergency exception to the hiring freeze, of Schedule X people in the City Clerk's office.

On motion by Alderperson Roeseler and second by Alderperson Versey, the Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Hammen, Heidemann, Kath, Kittelson, Matichek, Roeseler, Van Akkeren, VanderWeele, Versey ☐ 12.

Nays: None.

Res. No. 144 - 11 - 12. By Alderpersons Roeseler, Versey, Dekker and Sampson. February 20, 2012.

February 20, 2012

A RESOLUTION lifting the hiring freeze in order to hire a Wastewater Electro Mechanical Technician, Wastewater Maintenance Supervisor, Lead Plant Operator, Maintenance Mechanic, and Laborer II in the Department of Public Works.

WHEREAS, the City of Sheboygan passed Resolution 122-11-12 that extended the hiring freeze to December 31, 2013;

WHEREAS, the hiring freeze allows for emergency exceptions upon approval of the Chief Administrative Officer and Council;

WHEREAS, the Chief Administrative Officer recently approved the Hiring Audit form to authorize hiring a Wastewater Electro Mechanical Technician, Wastewater Maintenance Supervisor, Lead Plant Operator, Maintenance Mechanic, and Laborer II in the Department of Public Works.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby authorizes, as an emergency exception to the hiring freeze for the a Wastewater Electro Mechanical Technician, Wastewater Maintenance Supervisor, Lead Plant Operator, Maintenance Mechanic, and Laborer II in the Department of Public Works.

On motion by Alderperson Roeseler and second by Alderperson Kittelson, the Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Hammen, Heidemann, Kath, Kittelson, Matichek, Roeseler, Van Akkeren, VanderWeele, □ 11.

Nays: None.

Abstain: Versey □ 1.

Res. No. 145 - 11 - 12. By Alderpersons Roeseler, Versey, Dekker and Sampson. February 20, 2012.

A RESOLUTION establishing the salary for the positions of Buildings/Grounds & MVD Superintendent and Superintendent Parks and Forestry.

WHEREAS, The Common Council approved General Ordinance No. 55-11-12 adding the positions to the Table of Organization at a class grade 10, and

WHEREAS, the Salaries and Grievances Committee approved the salary of \$70,000, effective January 1, 2012 for both positions.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby establishes the salaries for the positions of Buildings/Grounds & MVD Superintendent and Superintendent Parks and Forestry at \$70,000 per year, effective January 1, 2012.

On motion by Alderperson Roeseler and second by Alderperson Versey, the Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Hammen, Heidemann, Kath, Kittelson, Matichek, Roeseler, Van Akkeren, VanderWeele, Versey □ 12.

Nays: None.

Res. No. 146 - 11 - 12. By Alderperson Bohren. February 20, 2012.

A RESOLUTION authorizing executing a one-year lease for the agricultural property in the William A. Hayssen Industrial Park.

Was referred to the Committee on Public Works.

Res. No. 147 - 11 - 12. By Alderperson Hammond. February 20, 2012.

A RESOLUTION authorizing the appropriate City officials to execute a Personal Property Sales Agreement for purchase of 10 Capstone Microturbines and related equipment from Wisconsin Power and Light Company.

Was referred to the Committee on Finance.

Res. No. 148 - 11 - 12. By Alderpersons Dekker, VanderWeele and Kittelson. February 20, 2012.

A RESOLUTION authorizing exercising the City's option to repurchase certain lands in the Sheboygan Business Center.

Was referred to the Committee on Finance.

Res. No. 149 - 11 - 12. By Alderpersons Hammond, Versey and Sampson. February 20, 2012.

A RESOLUTION approving the Capital Improvements Program recommended by the Capital Improvements Commission, for the period of 2012 and adopting the additional projects for implementation.

Was referred to the City Plan Commission.

Res. No. 150 - 11 - 12. By Alderperson Bohren. February 20, 2012.

February 20, 2012

A RESOLUTION authorizing the appropriate City Officials to enter into agreement with Unison Solutions, Inc. Dubuque IA, for the purchase of a Capstone Turbine Factory Protection Plan – End User Agreement for the Wastewater Treatment Plant.

Was referred to the Committee on Public Works.

REPORTS OF COMMITTEES

***R. C. No. 308 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. February 20, 2012.**

Your Committee to whom was referred R. O. No. 342-09-10 by the City Clerk submitting a communication from McLario, Helm & Bertling, S.C. regarding their client, Frank S. Lubotsky, who was allegedly wrongfully imprisoned pursuant to a Writ of Commitment signed by the Municipal Court Judge; recommends that the document be placed on file.

***R. C. No. 309 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. February 20, 2012.**

Your Committee to whom was referred R. O. No. 284-11-12 by the City Clerk submitting a claim from Sharon K. Leider for alleged damages to her vehicle when a City truck was vacuuming leaves and backed into her parked vehicle; recommends that the Report of Officer be accepted and placed on file and to pay the claim in the amount of \$693.21.

***R. C. No. 310 - 11 - 12. By MARINA AND HARBOR. February 20, 2012.**

Your Committee to whom was referred R. O. No. 296-11-12 submitting the Harbor Centre Marina Balance Sheet from Operations dated October 31, 2011, as submitted by Skipper Marine; recommends the Report of Officer be accepted and placed on file.

***R. C. No. 311 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. February 20, 2012.**

Your Committee to whom was referred R. O. No. 303-11-12 by the City Clerk submitting a claim from Laurie Entringer for alleged damages to her vehicle when she turned left and drove over the island with the right front wheel on the northwest corner of Wilgus Rd. and Taylor Dr. handicapped island; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

R. C. No. 312 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. February 20, 2012.

Your Committee to whom was referred R. O. No. 304-11-12 by the City Clerk submitting a claim from Carol Butzen for alleged injuries when she twisted and sprained her ankle and wrist in a pothole walking in the crosswalk at Superior Ave. and N. 11th St.; recommends that the claim be denied and to direct the City Attorney to send a Notice of Disallowance.

On motion by Alderperson Kath and second by Alderperson Versey, the Report of Committee was accepted and adopted on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Hammen, Heidemann, Kath, Kittelson, Matichek, Roeseler, Van Akkeren, VanderWeele
□ 11.

Nays: None.

Abstain: Versey □ 1.

***R. C. No. 313 - 11 - 12. By MARINA AND HARBOR. February 20, 2012.**

Your Committee to whom was referred R. O. No. 329-11-12 submitting the Harbor Centre Marina Balance Sheet from Operations dated November 30, 2011, as submitted by Skipper Marine; recommends the Report of Officer be accepted and placed on file.

***R. C. No. 314 - 11 - 12. By LAW AND LICENSING. February 20, 2012.**

Your Committee to whom was referred, pursuant to R. O. No. 342-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:
BEVERAGE OPERATOR'S LICENSE (June 30, 2013)

No.	Name
9426	Kress, Scott J.
1765	Loiselle, Timothy L.
9436	Malfavon, Angelica Emilia
4530	Schaeve, Michael S.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

***R. C. No. 315 - 11 - 12. By LAW AND LICENSING. February 20, 2012.**

Your Committee to whom was referred, pursuant to R. O. No. 362-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:

"CLASS B" LIQUOR LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2880	Anglers Avenue LLC I	518 South Pier Dr.

CLASS B" FERMENTED MALT BEVERAGE (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2879	Charcoal North Inc.	1637 Geele Ave.

BEVERAGE OPERATOR'S LICENSE (June 30, 2013)

<u>No.</u>	<u>Name</u>
9468	Baker, Kayla C.
9465	Bateman, Rebecca L.
9452	Berchem, Laura K.
9471	Beringer, Michelle M.
9461	Crossley, Thomas C.
9455	Cupp, Thomas J.
9467	Daus, Taylor J.
9450	Dohse, Kelly A.
9449	Goodteacher, Eliza N.
9463	Grinna, Kelsey G.
9470	Kannenber, Christine R.
9460	Klahn, Megan M.
9469	Lindsay, Allison M.
9473	Malson, Michelle R.
9448	Menzer, Marissa N.
9462	Millin, Ashlee B.
9447	Niedfeldt, Shanna L.
9451	OConnell, Cooper R.
9453	Pilgrim, Marion M.
9457	Schultz, Leah D.
3673	Schultz, Robert D.
9472	Spettel, Deborah A.
9459	Thompson, Timothy J.
7762	Van Veghel, Stephen F.
6840	Weis, Cecilia G.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

***R. C. No. 316 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. February 20, 2012.**

Your Committee to whom was referred Gen. Ord. No. 61-11-12 by Alderperson Kittelson repealing and recreating Subsection 66-72(7) of the Municipal Code so as to include specific construction work by or on behalf of the federal government as authorized by the Common Council to the exceptions to the City's noise ordinance; recommends that the Ordinance be passed.

***R. C. No. 317 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. February 20, 2012.**

Your Committee to whom was referred Gen. Ord. No. 63-11-12 by Alderperson Dekker repealing and recreating Note 1 to the schedule of plan examination and permit fees contained in Section 26-38 of the Municipal Code so as to include cost of labor in determining permit requirements for minor alterations; recommends that the Substitute Ordinance be passed.

***R. C. No. 318 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. February 20, 2012.**

Your Committee to whom was referred Gen. Ord. No. 64-11-12 by Alderperson Dekker repealing, recreating and amending various provisions of Chapter 26 of the Municipal Code entitled "Buildings and Building Regulations" so as to reflect changes in Wisconsin Administrative Code designations; recommends that the Ordinance be passed.

R. C. No. 319 - 11 - 12. By LAW AND LICENSING. February 20, 2012.

Your Committee to whom was referred R. O. No. 342-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that Taxicab Operator's License #9425 be denied based upon her failure to accurately reveal all relevant convictions on her application and her record of violations related to the licensed activity.

February 20, 2012

On motion by Alderperson VanderWeele and second by Alderperson Kath, the Report of Committee was accepted and adopted on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Hammen, Heidemann, Kath, Kittelson, Matichek, Roeseler, Van Akkeren, VanderWeele, Versey □ 12.

Nays: None.

R. C. No. 320 - 11 - 12. By FINANCE. February 20, 2012.

Your Committee to whom was referred R. O. No. 327-11-12 by the City Clerk submitting a communication from Paul Rutledge, President of Sheboygan Blue Line Association, wishing to submit official notification that they desire to extend their lease upon expiration of the current 10 year term which will expire in 2013. They are also seeking approval from the City to place a mortgage lien on the building and equipment located at 1202 S. Wildwood Ave. in order to purchase and install a new bleacher system that will enhance patron safety and increase seating in the arena; recommends that the Report of Officer be accepted and placed on file and to extend the lease and approve borrowing depending upon collateral.

Was re-referred to the Committee on Finance.

R. C. No. 321 - 11 - 12. By SALARIES AND GRIEVANCES. February 20, 2012.

Your Committee to whom was referred R. C. No. 294-11-12 by Salaries and Grievances and Subs. of Gen. Ord. No. 40-11-12 by Alderpersons Bohren, Heidemann, Kath and Versey re-establishing the salary schedule for the office of Mayor; recommends that the Subs. of Subs. of Gen. Ord. No. 40-11-12 be passed.

A motion by Alderperson Roeseler and second by Alderperson Kittelson was made to accept and adopt the Report of Committee and to pass the Substitute of Substitute Ordinance.

Before action was taken, a motion was made by Alderperson Bohren and second by Alderperson Versey to reduce the salary to \$50,000 and increase contribution of 18% to health insurance failed on call of the roll:

Ayes: Boeldt, Bohren, Heidemann, Van Akkeren, Versey □ 5.

Nays: Carlson, Hammen, Kath, Kittelson, Matichek, Roeseler, VanderWeele □ 7.

A motion by Alderperson Matichek and second by Alderperson Carlson was made to hold to after the election, failed on call of the roll:

Ayes: Carlson, Heidemann, Matichek □ 3.

Nays: Boeldt, Bohren, Hammen, Kath, Kittelson, Roeseler, Van Akkeren, VanderWeele, Versey □ 9.

A motion by Alderperson Bohren and second by Alderperson Versey was made to reduce the salary to \$55,000 with a contribution of 18% to health insurance payments, failed on call of the roll:

Ayes: Boeldt, Bohren, Heidemann, Van Akkeren, Versey □ 5.

Nays: Carlson, Hammen, Kath, Kittelson, Matichek, Roeseler, VanderWeele □ 7.

A motion by Alderperson Roeseler and second by Alderperson Kittleson was made to pass the final Substitute of the Substitute Ordinance, failed on call of the roll:

Ayes: Hammen, Kath, Kittelson, Roeseler, Van Akkeren, VanderWeele □ 6.

Nays: Boeldt, Bohren, Carlson, Heidemann, Matichek, Versey □ 6. Mayor Ryan voting "nay" breaking the tie vote 6 Ayes to 7 Nays. Motion failed.

A motion by Alderperson Bohren and second by Alderperson Versey was made to reconsider the \$60,000 previous vote passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Hammen, Heidemann, Kath, Roeseler, Van Akkeren, VanderWeele, Versey □ 10.

Nays: Kittelson, Matichek □ 2.

A motion by Alderperson Bohren and second by Alderperson Versey was made to pass the \$55,000 salary and leave the health care increase alone failed on call of the roll:

Ayes: Boeldt, Bohren, Roeseler, Van Akkeren, Versey, VanderWeele □ 6.

Nays: Carlson, Hammen, Heidemann, Kath, Kittelson, Matichek □ 6. Mayor Ryan broke the tie voting "Nay". Ayes: 6. Nays: 7

On motion by Alderperson Roeseler and second by Alderperson Carlson, the Report of Committee and the Substitute of the Substitute Ordinance was put on hold, all Alderpersons present voting "Aye".

ORDINANCES ON SECOND READING

***Gen. Ord. No. 61 – 11 - 12. By Alderperson Kittelson. January 16, 2012.**

AN ORDINANCE repealing and recreating Subsection 66-72(7) of the Municipal Code so as to include specific construction work by or on behalf of the federal government as authorized by the common council to the exceptions to the City's noise ordinance.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Subsection 66-72(7) of the Sheboygan Municipal Code entitled "Exceptions" is hereby repealed and recreated to read as follows:

"Sec. 66-72. *Exceptions.*

- ...
- (7) Such other specific construction work by or on behalf of the city, county, state or federal government as may be authorized by the common council."

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

***Subs. of Gen. Ord. No. 63 - 11 - 12. By Alderperson Dekker. February 6, 2012.**

AN ORDINANCE repealing and recreating Note 1 to the schedule of plan examination and permit fees contained in Section 26-38 of the Municipal Code so as to include cost of labor in determining permit requirements for minor alterations.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Note 1 to the schedule of plan examination and permit fees contained in Section 26-38 of the Municipal Code is repealed and recreated to read as follows:

"Notes:

1. No permit required for minor alterations under **\$400** of materials or **\$800** total materials and labor unless such work requires structural alterations. All fences, stairways and porches/rescue platforms located above the first floor require a permit."

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

***Gen. Ord. No. 64 - 11 - 12. By Alderperson Dekker. February 6, 2012.**

AN ORDINANCE repealing, recreating and amending various provisions of Chapter 26 of the Municipal Code entitled "Buildings and Building Regulations" so as to reflect changes in Wisconsin Administrative Code designations.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Subsection 26-37(a)(1) of the Sheboygan Municipal Code is hereby repealed and recreated to read as follows:

"Sec. 26-37. *Uniform codes adopted.*

- (a) ...
- (1) Chapters SPS 316, 320-325, 360-366, 367 and 381-387, Wis. Admin. Code."

Section 2. The reference to "Comm 22.07(2), Wisconsin Administrative Code" in Subsection 26-37(a)(2)(b)9 of the Sheboygan Municipal Code is hereby amended to read "SPS 322.07(2), Wis. Admin. Code."

Section 3. The reference to "Comm 16, Wisconsin Administrative Code" in Subsection 26-37(a)(2)(b)12 of the Sheboygan Municipal Code is hereby amended to read "SPS 316, Wis. Admin. Code."

Section 4. The reference to "Comm. 16" in Subsection 26-197(a) of the Sheboygan Municipal Code is hereby amended to read "SPS 316."

Section 5. The reference to "ILHR 16" in Subsection 26-346(b)(2) of the Sheboygan Municipal Code is hereby amended to read "SPS 316, Wis. Admin. Code."

Section 6. The reference to "ILHR, chapter 16" in Subsection 26-349(a) of the Sheboygan Municipal Code is hereby amended to read "Chapter SPS 316, Wis. Admin. Code."

Section 7. The reference to "COMM 5" in Subsection 26-355(b) of the Sheboygan Municipal Code is hereby amended to read "Chapter SPS 305, Wis. Admin. Code."

Section 8. The reference to "Chapters COMM 23 and 64, Wisconsin Administrative Code" in Section 26-436 of the Sheboygan Municipal Code entitled "Regulations adopted" is hereby amended to read "Chapters SPS 323 and 364, Wisconsin Administrative Code."

Section 9. The reference to "chapters ILHR 81, ILHR 82, ILHR 83, ILHR 84 and ILHR 85 of the Wis. Admin. Code" in Sec. 26-906 of the Sheboygan Municipal Code entitled "State regulations adopted" is hereby amended to read "chapters SPS 381-387 of the Wis. Admin. Code."

Section 10. The reference to "ILHR chapter 82" in the definition of "storm and clear drains" contained in Sec. 26-907 of the Sheboygan Municipal Code is hereby amended to read "SPS Chapter 382, Wis. Admin. Code."

Section 11. Section 26-939 of the Sheboygan Municipal Code entitled "Submission of plans and specifications" is hereby repealed.

Section 12. The references to "chapter ILHR 84 of the Wis. Admin Code" in Subsections 26-998(b) and (c) of the Sheboygan Municipal Code are hereby amended to read "chapter SPS 384 of the Wis. Admin. Code."

Section 13. The reference to "chapter ILHR 84 of the Wis. Admin. Code" in Section 26-1007 of the Sheboygan Municipal Code entitled "Defective lead services" is hereby amended to read "chapter SPS 384 of the Wis. Admin. Code."

Section 14. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

ORDINANCES INTRODUCED

Gen. Ord. No. 67 - 11 - 12. By Alderpersons Vander Weele, Kath, Boeldt, Hammen and Versey. February 20, 2012.

AN ORDINANCE repealing and recreating sections 10-64 and 10-112 of the Municipal Code, relating to closing times at licensed establishments, so as to align city closing hours with the provisions of state law.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 10-64 of the Municipal Code is hereby repealed and recreated to read as follows:

"Sec. 10-64. Closing hours.

- (a) The provisions of §125.32(3), Wisconsin Statutes, as amended from time to time, relating to closing hours, are hereby adopted and incorporated by reference.
- (b) Between 12:00 midnight and 6:00 a.m., no person may transport or carry out fermented malt beverages from Class "B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises."

Section 2. Section 10-112 of the Municipal Code is hereby repealed and recreated to read as follows:

"Sec. 10-112. Closing hours.

- (a) The provisions of §125.68(4), Wisconsin Statutes, as amended from time to time, relating to closing hours, are hereby adopted and incorporated by reference.
- (b) Between 12:00 midnight and 6:00 a.m., no person may transport or carry out intoxicating liquor from "Class B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises."

Section 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

A motion by Alderperson VanderWeele and second by Alderperson Hammen to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson VanderWeele and second by Alderperson Hammen, the foregoing Ordinance was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Hammen, Heidemann, Kath, Kittelson, Matichek, Roeseler, Van Akkeren, VanderWeele, Versey □ 12.

Nays: None.

Gen. Ord. No. 68 – 11 – 12. By Alderpersons Roeseler, Versey, Dekker and Sampson. February 20, 2012.

AN ORDINANCE amending Section 29-75 of the 1975 Sheboygan Municipal Code so as to delete the current Vehicle & Equipment Manager and one (1) Plant Operator WWTP in the Department of Public Works and create the job descriptions for the Vehicle & Equipment Supervisor and the Lead Plant Operator WWTP in the Public Works Department for the City of Sheboygan.

Lies over under the rules.

Gen. Ord. No. 69 - 11 - 12. By Alderperson Kittelson. February 20, 2012.

AN ORDINANCE repealing and recreating various portions of Chapter 26 of the Sheboygan Municipal Code so as to change the forfeiture structure for violations of the chapter.

Was referred to the Committee on Public Protection and Safety.

Gen. Ord. No. 70 - 11 - 12. By Alderperson Kittelson. February 20, 2012.

AN ORDINANCE repealing and recreating Section 66-2 of the Sheboygan Municipal Code so as to change the forfeiture structure for violations of Chapter 66.

Was referred to the Committee on Public Protection and Safety.

MATTERS LAID OVER

Res. No. 135 - 11 - 12. By Alderperson Bohren. February 6, 2012.

A RESOLUTION authorizing executing a one-year lease for the agricultural property in the Town of Wilson, formerly owned by John Poth, Jr.

RESOLVED: That the Mayor and City Clerk are hereby authorized and directed to execute the attached lease with David L. Gartman for the 2012 agricultural use of approximately 30 acres of the former John Poth, Jr. property in the Town of Wilson.

On motion by Alderperson Bohren and second by Alderperson Heidemann, the Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Hammen, Heidemann, Kath, Kittelson, Matichek, Roeseler, Van Akkeren, VanderWeele, Versey □ 12.

Nays: None.

February 20, 2012

Gen. Ord. No. 66 - 11 - 12. By Alderpersons Roeseler, Versey, Dekker and Sampson. February 6, 2012.

AN ORDINANCE establishing the salary for the Chief Administrative Officer.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

On motion by Alderperson Roeseler and second by Alderperson Carlson, the Ordinance failed on call of the roll:

Ayes: Carlson, Roeseler □ 2.

Nays: Boeldt, Bohren, Hammen, Heidemann, Kath, Kittelson, Matichek, Van Akkeren, VanderWeele, Versey □ 10.

A Motion was made by Alderperson Hammen and second by Alderperson Boeldt to **Convene** into closed session under the exemption provided in Section 19.85(1)(g), Wis. Stats., for the purpose of conferring with legal counsel for the City who is rendering oral advice concerning strategy to be adopted by the City with respect to the pending 2011 tax assessment appeal of Claremont New Frontier Resort LLC, being Sheboygan County Circuit Court Case No. 11CV 0907." Passed on call of the roll: Ayes: 12. Nays: None.

A Motion was made by Alderperson Bohren and second by Alderperson Boeldt to **Reconvene** into open session passed, all Alderpersons present voting "Aye".

On motion by Alderperson Kath and second by Alderperson Versey, the settlement agreement for Clairmont's assessment was accepted on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Heidemann, Kath, Kittelson, Matichek, Roeseler, Van Akkeren, VanderWeele, Versey □ 11.

Nays: None.

Abstain: Hammen □ 1.

There being no further business, on motion by Alderperson Versey and second by Alderperson Kittelson, the meeting was then adjourned, all Alderpersons present voting "Aye".

Mayor

City Clerk